

Serial No. 10/601,613  
Page 5

REMARKS

This paper is a response to the Office Action mailed on September 14, 2004, wherein Claims 1-7 and Claims 10-15 were rejected. Claims 1 and 10 have been amended and Claim 16 has been added. Claims 1-7 and 10-16 remain pending.

Claim Rejections Under 35 USC § 102

On page 3 of the Office Action, the Examiner rejected Claims 1, 2, 4, 10, 11, and 13 under 35 USC §102(b) as being anticipated by Grutter. On page 4 of the Office Action, the Examiner rejected Claims 4-7 and 13-15 under 35 USC §103 as being unpatentable over Grutter and Kikuchi. Applicants have amended Claims 1 and 10 to better describe the present invention as determining a rate of change of an accelerator pedal based on at least the spring force of the accelerator pedal. Grutter and Kikuchi are silent with respect to this claim element. Grutter and Kikuchi, singly or in combination, do not teach or suggest the present claimed invention.

If the Examiner relies on personal knowledge that the present invention is obvious in light of the cited art, Applicants respectfully request support for this assertion in the form of an affidavit that shall be subject to contradiction or explanation by the affidavits of the Applicant and other persons under 37 C.F.R. 1.104 (d)(2).

Conclusion

The entire Office Action dated September 14, 2004 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-7 and 10-16 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

Serial No. 10/601,613  
Page 6

If for some reason a fee needs to be paid please charge Deposit Account No. 07-0960 for the fees, which may be due.

Respectfully submitted,

  
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